

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAUL RIVERA CHAVEZ,

Plaintiff,

v.

SANTA CLARA SUPERIOR COURT, et
al.,

Defendants.

Case No. [17-cv-00571-JSC](#)

ORDER OF DISMISSAL

Plaintiff, an inmate at the Elmwood Correctional Facility in Milpitas, California, who is proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.¹ On February 3, 2017, the Clerk notified Plaintiff that he had neither paid the filing fee nor completed an application to proceed in forma pauperis (“IFP”). Specifically, the Clerk informed Plaintiff that he had not submitted the correct IFP form, that he had not submitted a certificate of funds signed by a jail official, and that he had not submitted the required trust account statement. The Clerk mailed Plaintiff the proper IFP form along with the deficiency notice, instructions for completing the form, and a stamped return envelope. The notice informed him that the case would be dismissed if he did not either pay the filing fee or file the required IFP application, including the certificate of funds form and trust account statement, within 28 days.

More than 28 days have passed since the deficiency notice was sent to Plaintiff, and no response has been received. As Plaintiff has not paid the filing fee, completed his IFP application,

¹ Petitioner has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 11.)

1 or shown cause why not, this case is DISMISSED without prejudice to filing the complaint in a
2 new case in which he either pays the filing fee or submits a complete IFP application.

3 The Clerk shall enter judgment and close the file.

4 **IT IS SO ORDERED.**

5 Dated: May 15, 2017

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8 JACQUELINE SCOTT CORLEY
9 United States Magistrate Judge
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